

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JASON WIMBERLY,

Petitioner,

v.

ACTION IQ, INC.

Respondent.

21-CV-9000 (RA)(SN)

ORDER

RONNIE ABRAMS, United States District Judge:

On November 2, 2021, Petitioner Jason Wimberly filed a Federal Rule of Civil Procedure 27 petition seeking an order authorizing pre-suit depositions. Petitioner explained in his petition that although he expects to bring an action against his former employer, Respondent Action IQ, Inc., he is “at present . . . unable to do so.” Dkt. 1. Respondent opposed the petition. Dkt. 8. Before the Court is the January 10, 2022 Report and Recommendation of the Honorable Magistrate Judge Netburn (the “Report”), which recommends denying the Rule 27 petition. *See* Dkt. 10. Neither party filed objections to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* Report at 8 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at \*1 (S.D.N.Y. Oct. 16, 2015) (*quoting Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d

250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As no objections to Judge Netburn’s Report were filed, the Court reviews the Report for clear error. After careful consideration of the record, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Petitioner’s Rule 27 petition is denied.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: January 31, 2022  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

RONNIE ABRAMS  
United States District Judge